



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,305	09/29/2000	Neelakantan Sundaresan	AM9-99-0148	2611

21254 7590 08/28/2003

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,305

Applicant(s)

SUNDARESAN, NEELAKANTAN

Examiner

Sabrina Chang

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 10-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 26, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-27 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

- I. Claims 1-9, 26, and 27, drawn to a method and system for conducting electronic commerce by aiding a customer in browsing for an item in an electronic medium, classified in class 705, subclass 26.
- II. Claims 10-25, drawn to a method of providing an electronic catalog divided in to pre-set categories and monitoring a customer's navigation of the catalog to ensure that they are pursuing the proper search pattern, classified in class 705, subclass 27.

Inventions of Group I and Group II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because in the invention of Group I a customer's status as being "lost" could be detected in any number of ways. The subcombination has separate utility such as a method of tracking user activity, by monitoring their clicks and navigational path on the site.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Scott McGinn on August 19, 2000 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-9, 26 and 27.

Art Unit: 3625

Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-25 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. U.S. Patent No. 5,235,509.

Mueller et al. discloses a method and apparatus for facilitating self-ordering of items over an electronic system (browsing for an item over an electronic medium). A customer self-ordering system must be easy to use and understand so that customers are not intimidated or frustrated by the system [Cp; 14, Line 57]. If confused, the customer can access from their terminal a “help” subroutine [Col 15, Line 8. Figure 10A] which initiates an informational screen pertinent to the present step. Further the customer has the option of being connected with a live customer assistant representative [Col 15, Line 10]. During the ordering process, the system tracks the user’s actions. If the customer does not initiate the help option but does not input any selections into the customer terminal for a predetermined period of time, indicating the possibility of customer confusion, an alert can be displayed at the related cashier’s terminal in order to provide immediate assistance (interactively querying the user when the user needs help).

Art Unit: 3625

Essentially customer assistance can be provided with or without direct customer request. In this way the system is designed to be more responsive to the needs of the customer [Col 15, Line 35].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-9 are rejected under U.S.C. 103(a) as being unpatentable over Mueller et al., as applied to claim 1.

Mueller et al. does not explicitly disclose that the system is implemented using an electronic store assistant, as are well known in the art of electronic commerce. Specifically, Mueller et al. does not explicitly disclose that its customer service application is administered over the Internet or a network, however it would have been obvious to a person of ordinary skill in the art at the time of the invention to have modified the system shown in Mueller et al. to have been delivered over the Internet; because the advantage of conducting the help session over the Internet would have allowed a company, or vendor such as Mueller et al., to have offered its products to customers anywhere in the world

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3625

Tavor et al. discloses a method for enabling users over a network to interact with an interactive sales representative system for providing sales guidance. Tavor does not explicitly disclose the ability to detect when a user is "lost" in their searching

Ortega et al. discloses a computer-implemented process that identifies popular nodes within a browse tree (catalog) based on the historical actions of users and draws attentions to such nodes during the navigation of the tree by other users. Ortega et al. does not disclose a method of aiding a user in searching for products in an e-commerce system.

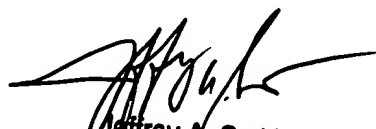
Fohn et al. discloses an electronic catalog searching system which calculates attribute relevance for each node in a hierarchy based on assignment constraints. Fohn does not disclose a e-shopping assistant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabrina Chang whose telephone number is 703 305 4879. The examiner can normally be reached on 8:30 am - 5:30 pm Mon.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703 308 1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

SC



Jeffrey A. Smith
Primary Examiner